

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR163
)	
vs.)	ORDER
)	
CLEO J. WALKER,)	
)	
Defendant.)	

This matter is before the court on the joint oral motion to continue trial by the defendant Cleo J. Walker (Walker) made to the court during a release hearing on September 1, 2005. Walker consented to the motion and understood the additional time needed to accommodate the motion would be excluded under the Speedy Trial Act.

IT IS ORDERED:

1. The oral motion to continue trial is granted.
2. Trial of this matter is re-scheduled for **November 1, 2005**, before Judge Laurie Smith Camp and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 1, 2005 and November 1, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 8th day of September, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge